

NATURAL RESOURCES BOARD

MINUTES

A Listening Session was held by the Natural Resources Board on Tuesday, May 27, 2008 at the Milwaukee Metropolitan Sewerage District (MMSD), Dennis M. Grzezinski Conference Room 121, 260 West Seeboth Street, Milwaukee, Wisconsin. The listening session was called to order at 3:30 p.m. and adjourned at 5:05 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present

Jonathan Ela – present

John Welter – present

Jane Wiley – present

Preston Cole – present

Gary Rohde – present

Christine Thomas – present

The following spoke before the Board:

1. **Mike Erato** and **Dave Tracy**, representing Organic Bio Recovery, stated their company is located in Milwaukee and is one of five agencies in the world representing International Bio Recovery Corporation (IBR). IBR turns organic waste into a high grade, high yield and chemical free fertilizer while reducing land, water and air pollution. (Handout)

Discussion followed regarding the National Research Council, process difference between bio recovery and composting, air emissions, where input comes from, and who the product end-users would be.

2. **Kevin Shafer**, Fox Point, representing the Southeastern WI Watershed Trust, spoke on abating stormwater runoff pollution and MMSD overflow volumes. (Handout)

Discussion following on the deep tunnel project construction at MMSD and non-point pollution.

3. **Dennis Grzezinski**, Milwaukee, representing himself stated the importance of the Stewardship fund and getting the rules right on access. Urban areas need to be recognized as having different uses. Having very few people show up in Waukesha to comment is a reflection that no one knew about it until a few days prior to meeting and because it was scheduled on an election night.

Discussion followed regarding exemption justifications in the state statutes for access.

4. **Kimberly Gleffe**, Milwaukee, representing the River Revitalization Foundation Milwaukee's Rivers Urban Land Trust stated their concerns about urban youth becoming more disconnected with nature and the cost to purchase lands to protect rivers due to rising land values. The Stewardship program should be written to encourage full participation. It should be flexible based on density and multi-use with public safety being the exemption. She asked the Board to take into consideration local plans put in place by the public rules process. She added that the definition for "hunting" is not a definition they agree with in relation to urban areas. (Handout)

Discussion followed on integrating properties, easements, and trail partners.

5. **Christine Nuernberg**, Mequon, City of Mequon Mayor, briefed the Board on the Mequon Nature Preserve. She stated the new Stewardship hunting policy would have hindered this project. (PowerPoint and Handout)
6. **Jim Celano**, Kansasville, Geneva Lake Conservancy, stated the Stewardship program needs a better presence in southeast Wisconsin. This gateway from Illinois is under pressure and threat from the development community. The Stewardship fund is one source of help that groups within that gateway will be looking at to help preserve some very unique locations. He also stated that purchasing of development rights will help preserve agricultural properties.

Discussion followed regarding the focus of the Geneva Lake Conservancy, its financial resources, what funds were available to them in Walworth County, and whether they can use Stewardship funds for purchasing development rights.

Tim Andryk, Department attorney, stated Stewardship Funds can be used to purchase development rights.

7. **Nancy Aten**, Mequon, representing self, spoke on the importance of Stewardship funding and asked the Board to remember other groups of constituents in the rule making process, such as photographers, botanists, listeners, birders, and students. These “non-hazard” users should have preferred access with hunting being defined as narrowly as possible. She noted that in some areas, hunting does serve a great purpose.
8. **Henry Koltz**, Brookfield, representing self and as the vice-president of the Southeast Wisconsin Trout Unlimited gave an overview of the Conservation Congress Spring Hearing vote outcomes on the Prairie River emergency regulations. He noted the Public Trust Doctrine states Wisconsin lakes and rivers are public resources. Only local votes were considered by the Conservation Congress. He said this is a serious issue of credibility for the Congress based on earlier statements made by the Conservation Congress Chair. He asked the Board to reject the Conservation Congress recommendation and approve a Category 5 regulation on the Prairie River when it comes before the Board.
9. **Robert Thompson**, Milwaukee, representing self, stated his concerns that the Department is not dredging the area in front of his home on Lincoln Creek. He asked the Board to look into this to see why this is not happening. He was initially told it was due to lack of funds.

Todd Ambs, Administrator, Division of Water stated the work being done behind the dam is where the highest level of PCB's are. The Department looked at the whole creek and believed this would clean up the entire stretch. At one point in this project there was a lack of funding but the recent budget gave them money to finish.

10. **Lori Artiomow**, Racine, representing the Kettle Moraine Land Trust stated she hoped that through the Stewardship public access policy, easement and other land donations for matching would not require hunting access. She also noted other concerns related to parking issues, managing invasive plants, and requiring incompatible outdoor uses.
11. **Angie Curtis**, West Bend, representing the Mid-Kettle Partner Group gave an overview of their group and thanked the Board for supporting Stewardship. She then thanked the Board

for requesting the Ottawa-Paradise feasibility study. She also spoke of their growing concerns about Stewardship funds restriction of public access for hunting. She recommended flexibility in fund selection and said it is essential that southeast Wisconsin have full access to the Stewardship fund.

12. **Marcia Caton Campbell**, Wauwatosa, representing the Center for Resilient Cities stated that the Greater Johnsons' Park project is a critical piece for this neighborhood's outdoor space. With approximately 20,000 people in the area they serve, a high percentage of the residents are youth and many live in poverty. This park is rated the worst in Milwaukee for amenities. The importance of green space within a city cannot be overstated. It helps build natural and social capital. In referring to the Stewardship program, she stated the use of guns would be inappropriate in Greater Johnsons Park.

Discussion followed on the legality of guns in this park.

13. **Todd Montgomery**, Milwaukee, representing the Friends of Lakeshore State Park stated their appreciation to the Board for visiting their new park today. It was created through a partnership with the Department as a friends group and is part of the Friends of WI State Parks. He asked the Board to help move the construction process of building the outdoor facilities along through the legislative process so they can bring kids to the park for indoor and outdoor functions. (Handout)

Dr. Thomas thanked Mr. Montgomery for his service to the state of Wisconsin through the Friends group

14. **Edward Mueller**, South Milwaukee, representing himself distributed handouts to the Board. Handouts included his suggestions for using wood as fuel, the need for more foresters, fish management, tribal spearing practices, Stewardship Fund, road salt usage, wind turbines on Lake Michigan, and turkey hunting. He then left for a prior commitment without testifying. (Handout)

15. **Kristine Krause**, Milwaukee, representing WE Energies briefed the Board on the Valley Power Plant. (Handout)

Discussion followed on WE Energies' finding for mercury emissions.

Mr. Cole thanked Ms. Krause for her presentation and for serving on the Global Warming Task Force and Technical Advisory Committee.

The listening session ended at 5:05 p.m.

The regular meeting of the Natural Resources Board was held on Wednesday, May 28, 2008 at the Milwaukee Metropolitan Sewerage District (MMSD), Dennis M. Grzezinski Conference Room 121, 260 West Seeboth Street, Milwaukee, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 12:16 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present
Jane Wiley – present	

1.B. Approval of minutes from March 25-26, 2008

Mr. Ela MOVED, seconded by Dr. Clausen approval of the minutes as presented. The motion carried unanimously.

1.C. Approval of agenda for May 28, 2008

Dr. Clausen MOVED, seconded by Mr. Welter approval of the agenda for May 28, 2008. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Ela MOVED, seconded by Mr. Welter approval of the real estate transactions. The motion carried unanimously.

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1 Request Amendment of Adopted Permanent Rule Revisions to Board Order WT-33-07 relating to invasive species decontamination standards

Ben Callan, Water Regulations and Zoning Specialist spoke in place of Martin Griffin. He stated the emergency rules were put into effect April 8, 2007 by order FH-22-07(E) for the control and prevention of VHS in fish and those rules were clarified and expanded by order FH-25-07(E). He stated the main issue of concern was clarifying the standards so they would be implementable in the field by the equipment operators. These concerns included additional clarification on when decontamination is required, how to handle decontamination in freezing conditions, and options to use already established decontamination best management practices already employed by some companies. He requested the Board approve the amended to Board Order WT-33-07.

Discussion followed on the 5 day drying decontamination technique and if this technique is adequate to kill invasives.

Dr. Thomas requested that staff provide scientific documentation proving that 5 days drying time is an effective way of keeping invasive species from spreading.

Mr. Ela MOVED, seconded by Dr. Clausen to table the request for amendment of adopted permanent rule revisions to Board Order WT-33-07 relating to invasive species decontamination standards.

Discussion followed on the 19 degree Fahrenheit air temperature provision and how this amendment came forward.

Dr. Thomas requested that staff provide scientific documentation on the 19 degree Fahrenheit air temperature provision.

Discussion continued on the other decontamination alternatives listed in the rule.

The motion to table carried unanimously.

3.B. Land Management, Recreation, and Fisheries/Wildlife

3.B.1 Request Adoption of Board Order WM-01-08, the 2008 Wildlife Management Spring Hearing rule proposal

Scott Loomans, Staff Specialist, Wildlife Management Bureau stated the Department placed seven statewide questions and three questions that are primarily of local interest on this year's Spring Hearing Questionnaire. All of those questions received majority support by total vote and by county tally. This rule package pertains to NR 10, 11, 17, and 45, Wisconsin Administrative Code relating to hunting, trapping, dog training and the use of public lands. He requested the Board adopt Board Order WM-01-08.

Dr. Thomas asked staff to report back to the Board on whether the public can print Trapper Education and Hunting Education Certificates from the Internet.

Discussion followed on dog training and why the rules are different north of Highway 64, how many dog training permits are issued annually, and why there were so many no votes amongst the voters.

Public Appearances:

1- **Ed Harvey**, Waldo, representing the Wisconsin Conservation Congress as Chair stated their full support for the rule package.

Discussion followed pertaining to Question 7 – Dog Training.

Ms. Wiley MOVED, seconded by Dr. Clausen approval of the request for adoption of Board Order WM-01-08, the 2008 wildlife management spring hearing rule proposal.

Discussion followed on clarification of the rule process to Question 11 – Extending the Fall Turkey Season.

The motion carried unanimously.

3.B.2 Congress Matters: 2008 Conservation Congress Advisory Question Summary and Annual Convention Report

Ed Harvey, Wisconsin Conservation Congress Chair briefed the Board on the Spring Hearing question outcomes and how their statewide delegates voted at their annual convention.

Discussion followed on Prairie River question 36, how this vote compared with how the delegates voted on Chippewa River Flowage question 24, the difficulty in following the rule making process, and the weight the Board should confer on Congress votes compared with staff recommendations.

Informational - No action was taken by the Board.

- 3.B.3 Request approval of Hank Aaron State Trail Master Plan Amendment
Bill Smith, Acting Bureau Director, Parks and Recreation stated this plan was amended by the Natural Resources Board in May 2006 to acquire 5.5 miles to the western extension of the Hank Aaron State Trail and again in December 2007 to connect the Trail segments at the Valley Passage. This request would add several small parcels of land to the project to improve Trail connections, develop and manage open green space, and improve community access to the Hank Aaron State Trail corridor and Menomonee Valley. He requested the Board approve the Hank Aaron State Trail Master Plan Amendment.

Discussion followed on future connectors to this trail and the inclusion of project boundaries for planning purposes.

Dr. Clausen thanked Mr. Smith for his presentation. He stated this is one of the good things the Board and Department does.

Dr. Clausen MOVED, seconded by Ms. Wiley approval of the Hank Aaron State Trail Master Plan Amendment.

Discussion followed on taking the northern portion out of the plan, status of the trail development on the rail corridor, the community building aspect of the partnership, and the impact this will have on the neighborhood

The motion carried unanimously.

Dr. Thomas stated both personally and on behalf of the Board that Bill Smith is one of the most professional people she has ever met. She thanked him for his years of service to the citizens of Wisconsin.

- 3.B.4 Request approval of Board Order ER-39-07, revisions to ch. NR 58, Wisconsin Administrative Code, to establish the State Wildlife Grant Program
Signe Holtz, Director, Endangered Resources Bureau introduced Heidi Nelson.
Heidi Nelson, Conservation Biologist, Bureau of Endangered Resources stated that one of the important components of the program is the development of partnerships. One way to help establish and encourage partnerships is to provide funds to those who are working on projects and actions identified in the plan. This amendment will enable the Department to give grants to our conservation partners more efficiently. The proposed subchapter amendment is intended to establish this new program and help implement Wisconsin's Wildlife Action Plan. She requested the Board adopt Board order ER-39-07.

Discussion followed on the potential for accessing federal money, if this program has a provision for climate change, the number of applications per year and how many are funded, and if there are any targeted areas in the state.

Mr. Ela MOVED, seconded by Mr. Rohde approval of the request for approval of Board Order ER-39-07, revisions to ch. NR 58, Wisconsin Administrative Code, to establish the State Wildlife Grant Program. The motion carried unanimously.

3.B.5 ~~Request Authorization of Public Hearings for Board Order IS 34-06, an order to create ch. NR 40 relating to the identification, classification and control of Invasive Species~~
DELETED

3.B.6 Request Authorization of Public Hearings for Board Orders WM-17-08 and WM-18-08 (E), 2008 migratory game bird seasons
Kent Van Horn, Migratory Bird Staff Specialist, Wildlife Management Bureau stated that migratory game bird populations are a shared international resource that requires cooperative surveys, research and regulation to manage. Department staff participates in a federal and a state regulatory process each year in order to apply biological data and public input to the establishment of Wisconsin's Migratory Game Bird Hunting regulations. He gave a summary on the significant regulations pertaining to ducks and to Canada Geese. He also noted the Department proposes to extend the mourning dove hunting season by ten days to be consistent with the anticipated federal season framework. He requested the Board approve Board Orders WM-17-08 and WM-18-08(E).

Mr. Welter MOVED, seconded by Dr. Clausen approval of the request for authorization of public hearings for Board Orders WM-17-08 and WM-18-08 (E), 2008 migratory game bird seasons. The motion carried unanimously.

3.B.7 Request Authorization of Public Hearings for Board Order FR-11-08, revisions to NR 47 related to Urban Forestry Grants
Dick Rideout, Urban Forestry Coordinator stated that the proposed rule creates a new subchapter to match the statutory changes in 2007 Wisconsin Act 13 and will establish eligibility, application procedures, eligible costs for payment, the grant selection process, and the required supporting documentation for the urban forestry catastrophic grant program. This act gives the Department the authority to provide urban forestry grants to meet communities' needs for repair, removal, and replacement of trees following a catastrophic storm event for which the governor has designated a state of emergency. He requested the Board approve the request for public hearing authorization on Board Order FR-11-08.

Discussion followed on how the Oakfield tornado response would have differed with this rule revision in place, the definition of urban, monetary caps on individual and program grants, what happens at the end of a fiscal year when no money is available, and how the USDA Forest Service operates compared to this program.

Mr. Cole MOVED, seconded by Ms. Wiley approval of the request for authorization of public hearings for Board Order FR-11-08, revisions to NR 47 related to Urban Forestry Grants. The motion carried unanimously.

3.B.8 Request Authorization of Public Hearing for Board Order FH-13-08, revisions to NR 25 related to commercial/wholesale fish dealing

Thomas R. Hansen, Administrative Warden stated the proposed order addresses law enforcement concerns, completes implementation of the Task Force's recommendations, and fulfills the statutory mandates of the 2005 Wisconsin Act 288. The rule will aid the Department in monitoring the harvest of Great Lakes commercial fish and ensuring compliance with rules intended to protect these fish stocks from over harvest and excessive exploitation. In addition, provisions of the rule will increase efficiencies, generate savings in labor and effort and allow the streamlining of reporting procedures for commercial fishers, wholesale fish dealers and Department staff. He requested the Board approve the request for public hearing authorization on Board Order FH-13-08.

Mr. Welter MOVED, seconded by Ms. Wiley approval of the request for authorization of public hearing for Board Order FH-13-08, revisions to NR 25 related to commercial/wholesale fish dealing.

Mr. Ela requested he and other interested Board members receive a commercial fishing briefing.

Discussion followed regarding computer purchases and the possible impact to fisheries.

The motion carried unanimously.

3.B.9 Land Acquisition and Sale – Lower Wolf River Bottomlands Natural Resource Area – Shawano County

Dr. Thomas MOVED, seconded by Mr. Welter approval of the Land Acquisition and Sale – Lower Wolf River Bottomlands Natural Resource Area – Shawano County.

Discussion followed on the possibility that the homestead could be further subdivided.

Mr. Ela MOVED to amend the motion to include a deed restriction on the sale of homestead to restrict any future subdividing on the parcel.

Dr. Thomas and Mr. Welter accepted Mr. Ela's motion as a friendly amendment.

The original motion as amended carried unanimously.

3.B.10 Land Acquisition, Honey Creek Stream Bank Protection Area, Walworth County

Dr. Clausen MOVED, seconded by Mr. Welter approval of the Land Acquisition, Honey Creek Stream Bank Protection Area, Walworth County. The motion carried unanimously.

3.B.11 Land Acquisition – Statewide Natural Area Program and Emmons Creek Fishery Area – Portage and Waupaca Counties

Discussion followed on purchasing development rights, the right of first refusal, and a conservation easement.

Dr. Thomas MOVED, seconded by Mr. Ela approval of the Land Acquisition – Statewide Natural Area Program and Emmons Creek Fishery Area – Portage and Waupaca Counties. The motion carried unanimously.

3.B.12 Land Acquisition – Lower Wolf River Bottomlands Natural Resource Area – Outagamie County

Mr. Ela noted an error within the green sheet as to the SNA category and criteria.

Mr. Welter MOVED, seconded by Mr. Ela approval of the Land Acquisition – Lower Wolf River Bottomlands Natural Resource Area – Outagamie County. The motion carried unanimously.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation
None

5. Board Members' Matters
None

5.A. Committee Assignments

6. Special Committees' Reports
None

7. Department Secretary's Matters

Matt Frank, DNR Secretary briefed the Board on the status of the Stewardship Advisory Group. He will get back to the Board with a list of names and have a public announcement before the June Board meeting. The people they have been contacting are very interested in serving.

He stated Governor Doyle's signing ceremony for the Great Lakes Compact was yesterday, May 27, 2008. He extended an appreciation to Department staff involved in this process. This was an historic day which included legislative support.

7.A. Retirement Resolutions

7.A.1 Eric R. Thompson

7.A.2 Dean S. Gullickson

7.A.3 Rick L. Koch

7.A.4 Gary A. Holzbauer

7.A.5 James M. Thompson

7.A.6 Kevin Kessler

7.A.7 Paul A. Kooiker

Mr. Welter MOVED, seconded by Mr. Ela approval of the retirement resolutions. The motion carried unanimously.

7.B. Donations

7.B.1 The Natural Resources Foundation of Wisconsin will donate \$221,000 to the Endangered Resources Program

Charlie Luthin, Executive Director of the Natural Resources Foundation thanked the

Members of the Board for their service and commitment to the state and to the natural resources. He stated that this gift will be largest donation to the Department in a single offering. He then summarized recent gifts and tentative future gifts. The Foundation also provides eight professional young people through Americore with a federal grant. He stated the Department provides the Foundation with office space, computers, and phones which totals approximately \$120,000 annually. The Department receives from the Foundation a four-fold return on their money in one year. The Foundation is growing strong.

Matt Frank thanked the Foundation for recently coordinating an event at Devil's Lake State Park where hundreds of volunteers from all over the state worked on removing invasive species. This is a great partnership.

Mr. Ela MOVED, seconded by Mr. Cole approval of the Natural Resources Foundation of Wisconsin donation of \$221,000 to the Endangered Resources Program. The motion carried unanimously.

- 7.B.2 Walleyes for Tomorrow will donate one 18 foot KANN Boat, Trailer, and 40 Horsepower Mercury Outboard Motor valued at \$14,529 to the Barron Fisheries Office

Mr. Cole MOVED, seconded by Mr. Welter approval of the Walleyes for Tomorrow donation of an 18 foot KANN Boat, Trailer, and 40 Horsepower Mercury Outboard Motor valued at \$14,529 to the Barron Fisheries Office. The motion carried unanimously

- 7.B.3 The Friends of Devil's Lake State Park will donate \$5,000 to the Park for the hiring of limited-term employees

Ms. Wiley MOVED, seconded by Mr. Rohde approval of the Friends of Devil's Lake State Park donation of \$5,000 to the Park for the hiring of limited-term employees. The motion carried unanimously.

8. Information Items

8.A. Air, Waste, and Water/Enforcement

8.A.1 Updates to Wisconsin's Wetland Strategy – Reversing the Loss

Cherie Hagen, Natural Resources Program Coordinator stated that the initial wetland strategy was a six-year plan that outlined actions for the department from 2001 through 2007. With a number of accomplishments made, changing conditions, and new relationships, it was time to revisit the wetland strategy. The strategy consists of three major approaches *Protect, Restore and Explore* and how it outlines eight strategic objectives to achieve the Department vision. The Department will develop 2-year Action Plans outlining specific goals and actions for its staff, including agreed-upon actions with partners and supporters, to implement the strategy, and make progress toward achieving reversing the loss. The Department will also create and post on the website biennial reports which will outline the progress and how the progress will be measured.

Information Item – No action was taken by the Board.

Discussion followed on if the state is fundamentally reversing the loss, the relative quality of natural and restored wetlands, how to identify if there are wetlands on a

property, and if the Department is working with each county clerk's office and the Realtors Association on this.

Mr. Welter requested a report back to the full Board on the Purple Loosetrife Control Program to include the extent of problem, extent of resources provided by and to

partners, challenges that take place due to the diversity of land ownership and what was done to deal with the various ownerships.

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
None

Mr. Rohde stated this is his first Board meeting but that he has been involved with the Department for many years. He is overwhelmed by the different issues that the Department deals with and will be a functioning Board member. He served as Secretary to the Department of Agriculture in the late 1970's and early 1980's and will be an advocate for making sure there is a strong linkage between the two Departments.

Mr. Rohde requested a budget briefing from staff to include the estimated budget shortfalls, what the percentage is of program revenue to GPR (past, current, and future years), and what implications this will have to the Department.

Matt Frank stated staff will schedule a time to brief Mr. Rohde on the Department's budget. For the current state picture, the Department is funded mostly with program revenue rather than general purpose revenues. The Department manages current budget problems by instituting travel restrictions, hiring freezes, and holding vacancies longer pending the state's resolution of Wisconsin's budget problem. The Department is now working with the Department of Administration (DOA) to find out DOA's bottom line numbers for DNR budget reductions. He is optimistic DNR's programs will still function and meet requirements. He noted that DOA is looking for lapses and not permanent funding cuts. Based on current DOA estimates, our Department is in good shape. Our goal is for no layoffs and no cuts in permanent positions. The final report is not yet complete.

Mr. Welter MOVED, seconded by Mr. Ela to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 12:16 p.m.

NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.